

**REMARKS**

Claims 25-56 are presently pending and under examination. Claims 41-56 have been cancelled herein without prejudice to Applicants' right to pursue the rejected subject matter in a future related application. Upon entry of the amendment claims 25-40, indicated to be allowable in the current Office Action, will be pending and under consideration.

**Regarding Allowable Subject Matter**

The Office Action mailed July 8, 2009, indicates in the Summary that claims 25-40 are allowed. Applicants appreciate the indication of allowable subject matter and have cancelled the rejected claims without prejudice to Applicants' right to pursue these claims in a related application.

**Regarding 35 U.S.C. § 112, First Paragraph (New Matter)**

Applicants respectfully traverse the rejection of claims 41-56 and 62-70 under 35 § U.S.C. §112, first paragraph, for allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, had possession of the claimed invention at the time the application was filed. Applicants respectfully disagree and submit that the subject matter of claims 41-56 is described in the specification sufficiently to show possession of the claimed invention at the time the application was filed. However, the rejection has been rendered moot by the cancellation of the rejected claims herein. Accordingly, withdrawal of the rejection under 35 U.S.C. 112, first paragraph, is respectfully requested.

**CONCLUSION**

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned attorney if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Astrid R. Spain/

Astrid R. Spain  
Registration No. 47,956

11682 El Camino Real, Suite 400  
San Diego, CA 92130  
Phone: 858.720.3300 ARS:cjh  
Facsimile: 858.720.7800  
**Date: October 8, 2009**

**Please recognize our Customer No. 41552  
as our correspondence address.**